CWP No.582 of 2006

14.6.2007 Present: Mr.Surinder Sharma, Advocate, for the petitioners.

Mr.Ramakant Sharma, Advocate, for the respondent.

The challenge is to the award dated 18.4.2006 passed by Labour Court, Shimla, in Ref. No. 162 of 1998, titled as Amar Singh Verma v. General Manager and another.

Learned counsel for the petitioner submits that there is serious infirmity in the award inasmuch the Labour Court has wrongly held that respondent has been in continuous employment with the petitioner for more than 240 days prior to the date of his abandonment/alleged termination. On a query put to the counsel for the parties, they agree that no such issue was framed by the Labour Court. Therefore, a joint request was made that the matter be remanded back to the Labour Court for consideration afresh and the award dated 18th April, 2006 be set aside.

Keeping in view the request made by the learned counsel for the parties, the award dated 18th April, 2006 is set aside and the matter is remanded back with a direction to the Labour Court, Shimla to decide the reference after affording due opportunity of hearing to the parties, within a period of four weeks. Consequently Reference No. 162 of 1998 is restored to its original position.

With the aforesaid direction, the writ petition is disposed of. Dasti copy.

June 14, 2007 (Sanjay Karol),
(C) Judge